



remy green <remy@femmelaw.com>

Lucy York v CNY, 22-cv-06432

remy green <remy@femmelaw.com>
To: "Scutero, Peter (LAW)" <PScutero@law.nyc.gov>
Cc: "Weng, Jenny (Law)" <jweng@law.nyc.gov>

Fri, Jul 19, 2024 at 7:14 PM

Hi Peter,

We can't agree to a 30 day extension to simply confer on basic discovery issues absent a significant extension of the discovery end date. But if you move for and get that extension — which we take no position on — we are okay with it. Given the Court's comments about extensions, we also can't agree to delay until an extension is granted.

Absent an extension, we will note the city was unable to meet and confer within more than 30 days.

Yours,

Remy.

Sent from a mobile device, please excuse any thumbing or stumbling.

J. Remy Green
Partner
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honorific / pronouns: Mx. / they, their, them	

On Jul 19, 2024, at 5:31 PM, Scutero, Peter (LAW) <PScutero@law.nyc.gov> wrote:

Hi Remy,

Defendants will need additional time on the discovery meet and confer you requested and the confidentiality order as I am leaving the Law Department and a new ACC will be assigned to this case. The new ACC will need time to familiarize themselves with these issues before meeting with you. Whoever is assigned will contact you about scheduling a meet and confer, but we are requesting 30-days for the new ACC to get up to speed.

Thank you,

Peter Scutero

New York City Law Department

From: Scutero, Peter (LAW)
Sent: Wednesday, July 17, 2024 4:37 PM
To: 'remy green' <remy@femmelaw.com>
Subject: RE: [EXTERNAL] Re: Lucy York v CNY, 22-cv-06432

Hi Remy,

We are still conferring internally about these issues and will get back to you.

Peter Scutero

New York City Law Department

From: remy green <remy@femmelaw.com>
Sent: Wednesday, July 17, 2024 11:10 AM
To: Scutero, Peter (LAW) <PScutero@law.nyc.gov>
Cc: Protester Cases <Protests@femmelaw.com>
Subject: [EXTERNAL] Re: Lucy York v CNY, 22-cv-06432

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Hi Peter,

Following up on this. I just tried to call as well to raise a quick issue: the deadline to file a notice of appearance for the already-named Does was yesterday (*see* Jul. 12, 2024 Minute Order), but that wasn't filed. And we would prefer that to happen before we amend, since it will prevent the need to re-serve those defendants. Can you get that on file today, and let us know today when today or tomorrow (or, at worst, Friday) you can meet?

Additionally, can you please respond on the confidentiality order thread? If we don't hear back there, we're just going to submit it saying we never heard any objections.

Thanks.

Yours,

Remy.

J. Remy Green

Partner

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1639 Centre St., Ste. 216	Ridgewood (Queens), NY 11385

|
<image001.jpg>

On Tue, Jul 16, 2024 at 11:02 AM remy green <remy@femmelaw.com> wrote:

Hi Peter,

We need to meet and confer on your resposnes to the discovery and requests to admit. Please provide a time before the end of Thursday, given the Court's comments on extensions.

RFAs.

On the RFAs, the refusal to actually deny or admit is impermissible, and we intend to move on it immediately.

Defendants fail to admit or deny: 3, 6, 7, 8*, 15, 16, 17, 22, 23, 24, 26, 27, 28, and 30.

*this one looks like you intended to ultimately admit, but forgot to actually write it:

"Notwithstanding these specific objections, and subject to, and without waiving or in any way limiting these specific objections, and limiting this request for admission to whether Officer Giron made physical contact with Plaintiff's groin/genital on July 24, 2021 at the time of Plaintiff's arrest that day" (and then the sentence cuts off).

Defendants responses also often fail to actually address the request -- and instead admit or deny something else. That problem exists for requests: 5, 10, 11, 12, 13, 25, and 29.

Finally, I should just note that certain denials are nonsense, and we will make a motion for sanctions for the unreasonable refusal to admit after deposing Officer Giron. *See* Requests 18-20.

DRI's.

We are willing to hold off longer in actually moving on the DRI's -- understanding you are likely to agree to follow the 2015 amendments, etc. That said, with the end date we have and what the Court has said about further extensions, that has to be measured in a small number of weeks.

With that said, the responses to the DRI are hard to follow and make little sense -- for example, either pretending not to understand the incident commander interrogatory or just refusing to answer it based on a half-hearted relevance objection makes little sense, given the role NYPD has defined for incident commanders. The same is true for Defendants' general refusal to answer the interrogatories.

Similarly, you continue to make objections that, frankly, suggest you're unfamiliar with basic mass arrest procedures -- which I know is not the case. *See, e.g.*, Doc. Req. 13. That example concerns the photos deliberately taken to make sure it's possible to link an arrestee to their arresting officer -- which is not remotely burdensome to produce; its entire purpose is to make things easy.

Likewise, the City's refusal to follow the 2015 amendments pervades the responses, and as ever, we will need to move on that and promptly. The refusal to state what is being withheld, if anything, makes evaluating the responses impossible.

Yours,

Remy.

J. Remy Green

Partner

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